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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,624	08/25/2003	Robert Hoffman	ANDIP035	5322
22434	7590	11/07/2007		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			HAN, CLEMENCE S	
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			11/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/648,624	HOFFMAN ET AL.
	Examiner	Art Unit
	Clemence Han	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 August 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 August 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/29/2007</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1-29 and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Morgan et al. (US Pub. 2003/0076849).

Regarding claim 1, 11, 22 and 23, Morgan teaches a method of allocating queues in a network device, the method comprising: making a classification for an incoming packet [0027], the classification comprising at least one of an egress port number or an ingress port number [0032]; determining whether a previously-allocated queue exists for

the classification [0049]; and allocating a queue for the classification when no previously-allocated queue exists for the classification [0011].

Regarding claim 2 and 12, Morgan teaches the queue is associated with an ingress port of the network device [0008], [0032].

Regarding claim 3 and 13, Morgan teaches the queue is a virtual output queue [0053].

Regarding claim 4 and 14, Morgan teaches detecting when a previously-allocated queue is empty; and de-allocating the empty previously-allocated queue [0043], [0053].

Regarding claim 5 and 15, Morgan teaches the queue is associated with an ingress port [0008].

Regarding claim 6 and 16, Morgan teaches the classification is based on a packet source, a packet destination or a packet priority [0062].

Regarding claim 7 and 17, Morgan teaches the classification comprises a priority number [0051].

Regarding claim 8 and 18, Morgan teaches the determining step comprises addressing a memory that indicates whether the classification corresponds to a previously-allocated queue [0034].

Regarding claim 9 and 19, Morgan teaches updating a memory when a queue is de-allocated, wherein the memory indicates whether the classification corresponds to the previously-allocated queue [0034].

Regarding claim 10, 20 and 21, Morgan teaches the network device further comprises a free list that indicates queues available for allocation and wherein the method further comprises updating the free list when the previously-allocated queue is deallocated [0053].

Regarding claim 24, Morgan teaches the memory is a content addressable memory [0034].

Regarding claim 25, Morgan teaches the memory is a random access memory [0034].

Regarding claim 26, Morgan teaches a method of allocating queues in a network device, the method comprising: receiving a first packet [0011]; making a first classification for the first packet [0018], the first classification comprising at least one of a first egress port number or a first ingress port number [0032]; allocating a first queue for the first classification [0011]; receiving a second packet [0043], [0044]; making a second classification for the second packet [0043], [0044], the second classification comprising at least one of a second egress port number or a second ingress port number [0032]; and determining whether the first classification is the same as the second classification [0043], [0044].

Regarding claim 27, Morgan teaches the step of allocating a second queue, different from the first queue, when the first classification is different from the second classification [0043], [0044].

Regarding claim 28, Morgan teaches a step of assigning the second packet to the first queue when the first classification is not different from the second classification [0046].

Regarding claim 29, Morgan teaches determining a first number of packets that an ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046].

Regarding claim 31, Morgan teaches identifying a category for each packet arriving at the ingress port; correlating the category to an existing physical queue; and storing packet information in the existing physical queue [0018].

Regarding claim 32, Morgan teaches identifying a category for each packet arriving at the ingress port; and assigning the category to a physical queue, wherein the network device allocates a new physical queue only when there is no existing physical queue for the category [0043], [0044].

Regarding claim 33, Morgan teaches the packet information comprises control information selected from a list consisting of destination information, source information, priority information, payload type information and payload size information [0062].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Jenne et al. (US Pub. 2003/0126223).

Regarding claim 30, Morgan teaches determining a first number of packets that an ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046]. Morgan, however, does not teach the network device operates according to a Fibre Channel protocol and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port. Jenne teaches the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port [0006]. It would have been obvious to one skilled in the art to modify Morgan to be with the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port as taught by Jenne in order to provide end-to-end congestion control [0003].

Response to Arguments

6. Applicant's arguments filed 08/29/2007 have been fully considered but they are not persuasive. In response to page 11-12, the applicant argues that Morgan does not

classify according to port number. Morgan teaches classifying according to the port number [0032] (also see Figure 4 and 7). In response to page 12, the applicant further argues that Morgan does not teach a queue associated with an ingress port. Morgan teaches a queue associated with an ingress port 14, 16, 18 [0024]. In response to page 12, the applicant further argues that Morgan does not teach a virtual output queue. Morgan teaches a queue for a virtual ports [0053]. In response to page 12, the applicant further argues that Morgan does not teach a free list that indicates queues available for allocation. Morgan teaches monitoring and tracking available resources [0053] and teaches a free list that indicates queues available for allocation (Figure 10). Therefore, examiner contends that Morgan et al. and Morgan et al. in view of Jenne et al. teaches all the limitations of the claim.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.H.
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Art Unit 2616


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